

ASSEMBLY BILL

No. 323

Introduced by Assembly Member Bustamante

February 9, 1995

An act to amend Section 10652.5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 323, as introduced, Bustamante. Vehicles: storage fees.

Existing law prohibits, for a specified period, the imposition of a fee or service charge for the parking and storage of a motor vehicle that has been towed pursuant to a parking or traffic violation, if the name and address of the legal owner is known or may be ascertained from specified sources, except as specified.

This bill would authorize the imposition of a fee or service charge for the period beginning after the period specified in existing law, unless otherwise limited.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 10652.5 of the Vehicle Code is
2 amended to read:

3 10652.5. (a) Whenever the name and address of the
4 legal owner of a motor vehicle is known, or may be
5 ascertained from the registration records in the vehicle
6 or from the records of the Department of Motor Vehicles,

1 no fee or service charge may be imposed upon the legal
2 owner for the parking and storage of the motor vehicle
3 for the period commencing with the 16th day of
4 possession and continuing until written notice by
5 certified mail with return receipt requested is sent to the
6 legal owner by the person in possession of the motor
7 vehicle. *Thereafter, a fee or service charge may be*
8 *imposed upon the legal owner for the parking and storage*
9 *of the motor vehicle for the period beginning on the date*
10 *the written notice is delivered or first attempted to be*
11 *delivered to the legal owner, unless otherwise limited by*
12 *law.*

13 (b) The costs of notifying the legal owner may be
14 charged as part of the storage fee when the motor vehicle
15 has been stored for an indefinite period of time and notice
16 is given no sooner than the third day of possession. This
17 subdivision also applies if the legal owner refuses to claim
18 possession of the motor vehicle.

19 (c) In any action brought by, or on behalf of, a legal
20 owner of a motor vehicle to which subdivision (a) applies,
21 to recover a motor vehicle alleged to be withheld by the
22 person in possession of the motor vehicle by demanding
23 storage fees or charges for any number of days in excess
24 of that permitted pursuant to subdivision (a), the
25 prevailing party shall be entitled to reasonable attorney's
26 fees, not to exceed one thousand seven hundred fifty
27 dollars (\$1,750). The recovery of those fees is in addition
28 to any other right, remedy, or cause of action of that party.

29 (d) This section is not applicable to any motor vehicle
30 stored by a levying officer acting under the authority of
31 judicial process.

